THE

MADRAS LAW JOURNAL

I] APRIL. [1948

IS THE MANU SMRITI A BRAHMANICAL COMPOSITION?

The Manu dharmasastra " is regarded as supreme by the unanimous verdict of both the lay and legal literatures of Hindu India, and as such it occupies a unique position in the legal history of the land"[1]. Albeit, it is not a little remarkable that very little should be known about the composer of the dharmasastra and that considerable divergence should exist in regard to almost everything concerning the work. No book for instance has had so many dates attached to it as the Manu Smriti. Sir W. Jones placed its age at 1280 B.C.; Schlegal at 1000 B.C.; Elphinstone at 900 B.C.; Monier Williams at about the 5th century B.C. The authority of Dr. Burnell has been cited for so late an age for the original work as 400 A.D. and Nelson has placed it in its present form to a period between the 11th and 14th century A.D.[2] Sir Henry Maine has repeatedly affirmed that the Manu dharmasastra was a relatively recent composition. He observes: 'The probable antiquity of Manu's law book was much exaggerated . . . . . but it is now believed to be relatively modern—almost the most modern of a large family of Sanskrit writings more or less treating of law"[3]. At another place he states: " Manu according to Hindoo mythology is an emanation from the supreme God; but the compilation which bears his name, though its exact date is not easily discovered, is, in point of the relative progress of Hindu jurisprudence, a recent production"[4]. Jayaswal has suggested that the Smriti was the work of a historical person composed between 150 B.C. and 100 A.D. during the time of the Sunga rule[5]. Mahamahopadhyaya P.V. Kane has expressed the view that the Manu Smriti had existed certainly long before the 4th century B.C.[6] The present writer has suggested that the composition of the dharmasastra should be attributed to before 2000 B.C.[7]

Again it is a matter of dispute as to how far the precepts of the Manu Smriti were ever actually in force. Maine has remarked: " The Hindoo Code, called the Laws of Manu, which is certainly a Brahmin compilation, undoubtedly enshrines many genuine observances of the Hindoo race, but the opinion of the best contemporary orientalists is, that it does not, as a whole represent a set of rules ever actually administered in Hindostan. It is, in great part, an ideal picture of that which, in the view of the Brahmin ought to be the law"[8]. Jayaswal on the other hand has expressed a contrary view. According to him Manu's Code was " the mirror reflecting the national sentiment of the time. His absurd claims for Brahminism were admitted at the time, for they were based on the facts

1. Jayaswal, Manu & Yajnavalkya, T.L.L., p. xix.
2. *See* Nelson, Scientific Study of Hindu Law.
3. Early Law and Custom, p. 9.
4. Ancient Law, p. 16.
5. Manu & Yajnavalkya, T.L.L., pp. 25-26.
6. History of Dharmasastra, Vol. I, pp. 155-156.
7. *See* An Inquiry into the Source and Authorship of the Manu Smriti, (1947) 1 M.L.J. 27 (Jour.).
8. Ancient Law, p. 15.

of the time. . . . . . At the end of the first century, Manu's Code is *the* Dharmasastra. . . . .Very probably the Manava Dharma Code became the approved Code of the Sungan regime"[1]. In passing, though one may not agree with Jayaswal's theory as to the age or authorship of the Manu dharmasastra, it may be said that there can be little doubt of the Manava Code being in actual force for a long time.

Likewise in regard to the mode of composition of the Manu Smriti there is again a difference of opinion. Maine has argued that the Code is not the production of a single man but of a school modelled on a family, real or artificial, analogous to the Homeridae which according to Grote was responsible for the Homeric poetry.[2] The Hindu tradition concerning the matter is only that the original Code had undergone some abridgements but that it was not a contribution by diverse hands nor made up of materials introduced at different times. One version of the tradition is that Prajapati promulgated the laws which were abridged by Manu. The prose introduction to the Narada Smriti states :

नारदश्च स्मरति । शतसाहस्रो ग्रन्थः प्रजापतिना कृतः समन्वादिभिः क्रमेण संक्षिप्त इति ॥.

Another version is that Manu composed a dharmasastra in one hundred thousand verses which was successively abridged by Narada, Markandeya and Sumati. A text of the Bhavishya Purana cited by Hemadri states :

भार्गवी नारदीया च बार्हस्पत्याङ्गिरस्यपि ।
स्वायंभुवस्य शास्त्रस्य चतस्रः संहिता मताः ॥

As P.V. Kane has justly remarked there is neither sufficient nor reliable evidence to show that the Manu Smriti had suffered numerous recasts. According to that scholar the occurrence of conflicting passages could be explained on the theory of a single recast by Bhrigu who has compressed the older work in some cases and expanded it in others.

A more intriguing question is as to the caste of the composers of the dharmasastra and of its present version. The common assumption is that it is a Brahmanical compilation. Maine has espoused that view[3]. It has already been stated how according to Jayaswal the dharmasastra was composed to consolidate, maintain and give a legal basis for the ascendancy of the Brahmins in all departments of public and private life achieved during the Sunga period. The conclusion is rested chiefly on three grounds. Firstly, the Manu Smriti exalts the Brahmin and urges for him a paramount position ; secondly, it advocates royal absolutism keeping the Brahmin however free from control by the King, and lastly, it advocates for the Brahmin immunities in criminal law comparable to what has been called " the benefit of the clergy " in western jurisprudence. The Brahmin is referred to as *Isa*[4], *Isvara*[5], and *Adhipati*[6]. The Code states : " Whatever exists in the world is the property of the Brahmin ; on account of the excellence of his origin, the Brahmin is indeed entitled to it"[7]. The next verse adds : " The Brahmin eats but his own food, wears but his own apparel, bestows but his own in alms, other men subsist through the benevolence of the Brahmin." Supremacy in every walk of life is declared in his favour. The Code states :

सेनापत्यं च राज्यं च दण्डनेतृत्वमेव च ।
सर्वलोकाधिपत्यं च वेदशास्त्रविदर्हति ॥

1. Manu & Yajnavalkya, T.L.L., pp. 43-44.
2. Early Law and Custom, pp. 12-16.
3. Ancient Law, p. 15.
4. Manu, IX, 205.
5. *Ibid.* I, 99.
6. *Ibid.* VIII, 37.
7. *Ibid.* I, 100.

"The post of commander-in-chief, the kingdom, the very headship of government, the complete empire over everyone are deserved by the knower of the vedic science"[1]. It may be conceded that the dharmasastra extols Brahminism. This is intelligible purely as a tribute to the respect which learning secures. Verily knowledge is power. The Aryans promulgated the law as conquerors and the leaders were soldier priests. No wonder the community of learned men and the soldiery came in for special emphasis. The importance of the Kshatriya was not in any way minimised as will be shown later. The primacy claimed for the intellectual was one that had been allowed as against the purely military in every settled society enjoying peace. It is also significant that the last of the verses cited claims the supremacy not for the Brahmin only but to all who are learned in the vedas and sastras. As will be shown later on, *brahmavidya* was not the monopoly of the Brahmin. In fact it has been suggested that the Kshatriyas were the pioneers. Again as pointed out by Maine, "it would be altogether a mistake to regard the class whose ideas are reflected in the literature as a self-indulgent ecclesiastical aristocracy. . . . The life which they chalk out for themselves is certainly not a luxurious and scarcely a happy life. It is a life passed from first to last under the shadow of terrible possibilities. The Brahmin in youth is to beg for his teacher; in maturity as a married householder he is hedged round with countless duties of which the involuntary breach may consign him in another world to millions of years of degradation or pain; in old age he is to become an ascetic or hermit"[2]. Also the extollation of the Brahmin's position was only with a view to persuade him to give up the pursuit of *artha* and *kama* and devote himself to the attainment of the other purusharthas, *dharma* and *moksha*. It is really an endeavour to secure social distinction for those who were denied worldly advantages.

Jayaswal cites Apastamba's prohibition of weapons to a Brahmin even for the sake of experiments[3]—परीक्षार्थोपि ब्राह्मण आयुधं नाददीत—and argues that Manu has deliberately revised the rule to provide justification for the actions of Pushyamitra. This is really a reversal of the correct picture. With great respect to the eminent researcher, it may be stated that it is his assumption that the Manava Code was composed during the times of the Sungas that makes the proper perspective elude him. Members of the priestly class like Vasishtha and Viswamitra are credited with perfect mastery of the dhanurveda. Parasurama and Drona though regarded as Brahmins were also great warriors. Gautama recognises that even a Brahmin should take up arms when in danger of life—प्राणसंशये ब्राह्मणोपि शस्त्रमाददीत—Manu's precept: "The twice-born should take up arms in the circumstances of the dharma being obstructed and of a revolution of the twice-born castes produced by time"[4], may be read no doubt as justifying armed rebellion against an internal, social and religious revolution. The rule in Manu would in fact seem to be the earlier rule. As the present writer has indicated elsewhere the extant version of the Manu dharmasastra was promulgated shortly after Parasurama's crusade against the Kshatriyas and the passage in question may be deemed to reflect the position then in vogue. Jayaswal's conclusion rests on his theory that the Manu Smriti was a composition of the Sunga times and that the sutras of Gautama, Apastamba and others were anterior to dharmasastra of Manu.

The second ground relied on to show that the Manu dharmasastra is a Brahmin compilation does not carry the position further. According to Manu, the King is verily a deity made by the gods out of their own portions, who could burn and consume any opposing him and whose laws none could question.[5] In the succeeding verses, however, Manu declares that *danda* was created by the Creator as his own son, it is law

1. Manu, XII, 100.
2. Early Law and Custom, pp. 47-48.
3. I, 10, 29, 6.
4. Manu, VIII, 348.
5. *Ibid.* VII, 3-13.

that is the true king, it could destroy the king himself if he violated dharma and the king must follow the opinion of the ministers and act in accordance with the sastras[1]. Jayaswal has remarked that Manu postulates two contradictory theories here, that the first was deliberately declared to justify what the Brahmin usurper of the throne, Pushyamitra, had done, but in view of such theory being contrary to the Hindu tradition the second theory was placed just below the divine theory[2]: The conclusion is not warranted. If the two passages are read together, as in fact they should be, the disharmony vanishes. Also what has been stated by Manu refers to all kings and cannot be read as a special plea in favour of a Brahmin king. Also the vedic state seems to have consisted of (*i*) a king elected at first and hereditary later, (*ii*) a priestly aristocracy independent of the king and exempt from tolls and taxes, and (*iii*) a state assembly[3]. If that be so the statement as to the king's position found in the Manu dharmasastra is not far different and cannot be charged as a vindication and legalising of the position of a particular king.

Another ground urged to support the theory of the Brahmanical origin of Manu's Code is its placing the Brahmin above criminal penalty in felony[4]. According to Manu the Brahmin offender should be permitted to leave the country, without a wound upon him and with all his property, even in the case of proved offences of capital punishment[5]. Two remarks fall to be made apropos of this. The immunity from capital punishment in favour of the Brahmin was not an innovation by Manu but has come down from the vedic period itself. It may be due to a presumption that it would be extremely unlikely that a learned Brahmin would ever voluntarily commit a crime, much less a capital offence. Secondly, the criminal jurisprudence of the Hindus recognised punishments both spiritual as well as secular and in the case of the Brahmin the spiritual penalty administered by the appropriate Brahmanical authority would be more severe than in other cases. In fact it was regarded as far more terrible than the secular punishment. The Hindu criminal law was in truth based on the principle that the offence would be deemed aggravated when committed by one who knows that the act has been prohibited—

निषेधदोषं ज्ञात्वापि प्रवर्तमानस्य दोषाधिक्यं भवति ॥

Manu was fully conscious of this principle[6]. If the Brahmin was placed outside the control of the Kshatriya ruler, that again was a privilege which existed from the vedic times and it is not as if Manu deliberately twisted the rules that way. He was only recording the vedic practice in the matter. It is observed in the Vedic Index[7]: "The (Vedic) texts regularly claim for them (Brahmins) a superiority to the Kshatriya. It is to be admitted that the king or the nobles might at times oppress the Brahmins, but it is indicated that ruin is then certain to follow. The Brahmin claimed to be exempt from the ordinary exercise of the royal power. The king censures all but the Brahmins." Thus none of the reasons adduced in support of the theory of the Manu dharmasastra being of Brahmanical origin is altogether convincing.

On the other hand it is possible to suggest that the original author of the Smriti was a Kshatriya. Manu has been referred to as a member of the solar dynasty, a descendant of Ikshvaku. The Vishnu Purana remarks that Devapi, descendant of Kuru, and Manu descendant of Ikshvaku, stay in Kalapagrama, are endowed with great yogic powers, will revive the Kshatriya race when the krita age will start again after the present kali age comes to an end[8]. This account would suggest that Manu was a Kshatriya. The Vayu and the Matsya Puranas give similar accounts. The tradition that Manu belonged to the solar dynasty is referred to by Kalidasa in the Raghuvamsa :

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1. Manu, VII, 14-31.
2. Manu & Yajnavalkya, T.L.L., p. 98.
3. Shama Sastri, Evolution of Indian Polity, p. 98.
4. Maine, Early Law and Custom, p. 47.
5. Manu, VIII, 378-381.
6. *Ibid.* VIII, 337-338.
7. *Ibid.* II, p. 81.
8. *Ibid.* IV, 24, 4.

वैवस्वतो मनुर्नाममाननीयो मनीषिणाम् ।
आसीन्महीक्षितामाद्यः प्रणवश्छन्दसामिव ॥

In Vedic literature, as for instance, in the Satapatha Brahmana and in the Upanishads, it is stated that certain Kshatriya kings had attained great eminence as devotees of *brahmavidya*, and that distinguished Brahmins went to them for instruction and light. It is said that Yajnavalkya learnt from Janaka, King of Mithila[1], Balaki Gargya from Ajatasatru, King of Kasi[2], Svetaketu Aruneya from Pravahana Jaivali[3], and five Brahmins from Asvapati, King of Kekaya[4]. Some scholars have even stated that the Kshatriyas were in fact the pioneers in *brahmavidya*. Deussen observes[5]: "the real cherisher of those thoughts was originally the caste of the Kshatriyas, rather than the caste of the priests. Over and over again we come across the situation that the Brahmana asks the Kshatriya for information." Dr. Sir R. Bhandarkar seems to have shared this view[6]. According to him the Kshatriyas engaged themselves in active speculation on religious matters about the time of the Upanishads and are mentioned as the original possessors of the new knowledge. It is thus quite conceivable that the original promulgator of the Code of Manu was a Kshatriya and not a Brahmin.

The present version of the Manu dharmasastra is attributed to Bhrigu. It narrates how from Brahma sprang Viraj who produced Manu from whom sprang a number of sages including Bhrigu[7], how Brahma taught the sastra to Manu who in his turn imparted it to ten sages[8], how some of the sages approached Manu with a request for instruction in the dharmas of the varnas and how Manu told them that his pupil Bhrigu would impart to them the sastra[9]. The Code preserves this appearance throughout. At the end of each chapter it is stated that it is a composition of Bhrigu :

इति मानवे धर्मशास्त्रे मनुप्रोक्तायां संहितायां प्रथमोऽध्यायः द्वितीयोऽध्यायः—

etc. Bhrigu is a family name. It is a priestly title of some of the rishis and priest kings. While the tradition recorded in the Bavishya Purana as quoted by Hemadri states that Bhrigu's was the first version of the Manu dharmasastra, according to Narada the person that abridged the laws of Manu was Bhrigu's son Sumati. The difference is hardly material. Which of the members of the Bhrigu family actually did the abridgment, what was the occasion for such abridgment, and what precisely was his caste are matters in regard to which it is now possible to have clear ideas. The definition of *aryavarta* in Manu suggests that at the time of the compilation of the extant version of the Smriti the western frontier was *a* sea. The latter has generally been taken to refer to the Arabian sea. Because of this scholars have felt puzzled inasmuch as Baudhayana, Vasishtha and others have stated the western frontier to be the river Sarasvati. The difficulty will vanish if the Manu dharmasastra was in fact an earlier compilation made at a time when the Aryans had knowledge of the tracts to the west of the Indus valley as far as Asia Minor. The recent deciphering of the Indo-Sumerian seals and those discovered at Mohenjodaro and Harappa probablise the existence of such knowledge. According to Manu, *aryavarta* extended from sea to sea from east to west and from mountain to mountain from North to South[10].

आसमुद्रात्तु वै पूर्वादासमुद्राच्च पश्चिमात् ।
तयोरेवान्तरं गिर्योरार्यावर्तं विदुर्बुधाः ॥

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1. Sat. Brah. XI, 6, 21, 5.
2. Brih. Up. II, 1.
3. Chan. Up. V, 3.
4. Ibid. V, 11.
5. Das System des Vedanta, 1883, p. 18.
6. Vaishnavism and Saivism, p. 9.
7. Manu, I, 32-33.
8. *Ibid.* I, 58.
9. *Ibid.* I, 59-60.
10. *Ibid.* II, 22-23.

कृष्णसारस्तु चरति मृगो यत्र स्वभावतः ।
संज्ञेयो यज्ञियो देशो म्लेच्छदेशस्त्वतः परः ॥

If the mountains spoken of are the Himalayas and the Vindhyas the reference to the sea in the west can hardly be to the Arabian sea, as that would be a western frontier to a very small part only of *aryavarta*. Jayaswal in trying to reconcile Manu's definition of *aryavarta* with his theory that the dharmasastra was composed during the Sunga regime, charges Manu with vagueness in his western limit and states that Manu was not sure of the Punjab. The fact that Baudhayana fixes the western limit as the Vinasana[1] (the river that disappears, *i.e.*, the river Sarasvati supposed to have been lost in the desert of Patiala) would be consistent with his being a relatively later author. The description given in the Manu dharmasastra is not incompatible with the frontiers of *aryavarta* extending up to the Mediterranean Sea. It is not as if the composer of the Manu Smriti was not aware of the river Sarasvati. Express reference is made by him to the river[2]. Yet he sets the western boundary at the sea. This fits in with the hypothesis that at the time when the composition of the dharmasastra was undertaken the Aryans were in occupation of all the territories spreading east from the Mediterranean Sea. The archaeological discoveries in the Punjab valley and Mesopotamia afford strong support to this theory. Two of the Indo-Sumerian Seals deciphered by Dr. Waddell are of considerable significance[3]. Seal No. 5 has been identified as the official signet of King Sushena who ruled about 2350 B.C. He was the brother of Parasurama. Seal No. 11 has been held to be that of Galava Rishi Bhrigu, a close companion of Parasurama. Parasurama himself is identified as Prince Bura Sin of the Ur dynasty of Lagash who then held sway over the Sumerian colony in the Indus valley. At that period the distinction between the Brahmins and the Kshatriyas seems to have been not a distinction based on birth but one resting on functions merely ; so much so, by a change of function one could change one's social order. Viswamitra was in that wise at one time a Kshatriya and at another time a Brahmin. Parasurama could equally be at one time a priest and teacher of vidya and at another time a warrior. King Gadhi identified by Dr. Waddell as King Gudea of Lagash had a son Viswamitra and a daughter Satyavati. The latter married a priest-king Richika who had a son Jamadhagni Bhrigu. The latter had four sons, of whom Sushena was the eldest and Parasurama the youngest. The former is identified as prince Sussain and the latter as Prince-Bura-Sin. The story runs that in a quarrel between the Kshatriya section headed by Viswamitra and the priestly section led by Vasishtha the priest-warrior Parasurama caused the discomfiture of the former and made them suffer a great eclipse. It was on that occasion and as its sequel that Parasurama who was a Bhrigu composed the extant version of the Code of Manu and incidentally emphasised the more lasting character of true Brahmanism, at the same time recognising the high place which the warrior or Kshatriya is entitled to occupy in social and political life. It would thus seem that the caste of the composer of the present Manu dharmasastra was one which gave him the colour of a Kshatriya or a Brahmin respectively at different occasions according to the occupation he had then adopted but that ultimately he took to Brahmanism and it was only thereafter that caste as fixed by birth probably took root.

A Manava.

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1. Bau. I, 1, 27. Cf. Vas. I, 8, 9.
2. Manu, II, 17-18.
3. Waddell, The Indo-Sumerian Seals deciphered, Preface.